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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-870

11 **KIMBERLY SUSAN BOWERS, AKA**
12 **KIMBERLY SUSAN KING**
13 **3306 Century Drive**
14 **Bakersfield, CA 93306**
15 **Registered Nurse License No. 306407**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

16
17 Respondent.

18 **FINDINGS OF FACT**

19 1. On or about April 21, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her official
20 capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer
21 Affairs, filed Accusation No. 2011-870 against Kimberly Susan Bowers, aka Kimberly Susan
22 King (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

23 2. On or about September 30, 1979, the Board of Registered Nursing (Board) issued
24 Registered Nurse License No. 306407 to Respondent. The Registered Nurse License expired on
25 February 28, 2009, and has not been renewed.

26 3. On or about April 21, 2011, Respondent was served by Certified and First Class Mail
27 copies of the Accusation No. 2011-870, Statement to Respondent, Notice of Defense, Request for
28 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
2 section 1409.1, is required to be reported and maintained with the Board, which was and is: 3306
3 Century Drive, Bakersfield, California 93306.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
6 124.

7 5. On or about May 12, 2011, the aforementioned documents were returned by the U.S.
8 Postal Service marked "Forwarding Order Expired." The address on the documents was the same
9 as the address on file with the Board. Respondent failed to maintain an updated address with the
10 Board and the Board has made attempts to serve the Respondent at the address on file.
11 Respondent has not made herself available for service and therefore, has not availed herself of her
12 right to file a notice of defense and appear at hearing.

13 6. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts
16 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
18 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
19 870.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at the
22 hearing, the agency may take action based upon the respondent's express admissions
23 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 2011-870, finds

1 that the charges and allegations in Accusation No. 2011-870, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$1,195.00 as of May 17, 2011.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Kimberly Susan Bowers, aka
8 Kimberly Susan King has subjected her Registered Nurse License No. 306407 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
11 Nurse License based upon the following violations alleged in the Accusation which are supported
12 by the evidence contained in the Default Decision Evidence Packet in this case.:

13 a. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), on
14 the grounds of unprofessional conduct, in that, she was disciplined by the Arizona State Board of
15 Nursing in the disciplinary proceeding entitled *In the Matter of Registered Nurse License No.*
16 *RN062562 issued to Kimberly Susan Bowers, Respondent* pursuant to Consent Agreement and
17 Order No. 1009014, attached to the Accusation as Exhibit "A." The circumstances underlying the
18 discipline are that on June 22, 2010, Respondent self-reported abusing alcohol and entered into a
19 Chemically Addicted Nurse Diversion Option [CANDO] Stipulated Agreement with the Arizona
20 Board, which required Respondent comply with the terms of the agreement. On or about August
21 4, 2010, after Respondent notified CANDO staff she had relapsed on alcohol, and signed a First
22 Addendum to Stipulated Agreement which required her to undergo a relapse evaluation, among
23 other requirements. On or about September 15, 2010, Respondent was discharged from CANDO
24 for non-compliance with her CANDO Stipulated Agreement and First Addendum to Stipulated
25 Agreement. Effective October 13, 2010, Respondent's Arizona Registered Nurse License was
26 revoked; however, the revocation was stayed and Respondent's nursing license was placed on
27 suspension for 12 months and on probation for 36 months, with terms and conditions.

b. Respondent is subject to disciplinary action under sections 2761, subdivision (a), and 2762, subdivision (a), in conjunction with Health and Safety Code section 11550, on the grounds of unprofessional conduct, in that, on or about August 24, 2010, Respondent tested positive for oxazepam, a controlled substance and dangerous drug.

c. Respondent is subject to disciplinary action under sections 2761, subdivision (a), and 2762; subdivision (b), on the grounds of unprofessional conduct, in that, Respondent used alcohol and/or a controlled substance and dangerous drug to an extent or in a manner dangerous or injurious to herself or others.

d. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and/or (d); on the grounds of unprofessional conduct, in that, Respondent committed acts of unprofessional conduct, and/or acts violating provisions of the Nursing Practice Act.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 306407, heretofore issued to Respondent Kimberly Susan Bowers, aka Kimberly Susan King, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 12, 2011

It is so ORDERED July 13, 2011

Glenn K. Reeves
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

60627901.DOC

DOJ Matter ID:LA2011600329

Attachment:

Exhibit A: Accusation and Arizona State Board of Nursing disciplinary proceeding entitled *In the Matter of Registered Nurse License No. RN062562 issued to Kimberly Susan Bowers, Respondent.*

Exhibit A

Accusation and attachment: Arizona State Board of Nursing disciplinary proceeding
Consent Agreement and Order No. 1009014

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 GILLIAN E. FRIEDMAN
Deputy Attorney General
4 State Bar No. 169207
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2564
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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8 BEFORE THE
9 BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2011-870

12 KIMBERLY SUSAN BOWERS,
aka KIMBERLY SUSAN KING
13 3306 Century Drive
Bakersfield, CA 93306

ACCUSATION

14 Registered Nurse License No. 306407

15 Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs (Board).

23 2. On or about September 30, 1979, the Board issued Registered Nurse License No.
24 306407 to Kimberly Susan Bowers, aka Kimberly Susan King (Respondent). The Registered
25 Nurse License expired on February 28, 2009, and has not been renewed.

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1 8. Section 2762 of the Code provides:

2 "In addition to other acts constituting unprofessional conduct within the meaning of this
3 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
4 chapter to do any of the following:

5 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
6 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
7 administer to another, any controlled substance as defined in Division 10 (commencing with
8 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
9 defined in Section 4022.

10 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
11 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
12 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
13 himself or herself, any other person, or the public or to the extent that such use impairs his or her
14 ability to conduct with safety to the public the practice authorized by his or her license.

15 9. Section 2764 of the Code provides that the expiration of a license shall not deprive
16 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to
17 render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
18 Board may renew an expired license at any time within eight years after the expiration.

19 10. Health and Safety Code section 11550 makes it unlawful for any person to use or be
20 under the influence of any controlled substance in Schedule II (Health and Safety Code section
21 11055), or any narcotic drug in Schedules III-V, except when administered by or under the
22 direction of an authorized license.

23 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

24 11. Oxazepam is a Schedule III controlled substance, as designated by Health and Safety
25 Code section 11056, subdivision (b)(2), and is categorized as a dangerous drug pursuant to
26 section 4022 of the Code.

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1 three AA meetings a week, and (d) have no access to or administration of narcotics for six
2 months.

3 c. On or about September 15, 2010, Respondent was discharged from CANDO for non-
4 compliance with her CANDO Stipulated Agreement and First Addendum to Stipulated
5 Agreement. Non-compliance included but was not limited to the following: (1) on or about
6 August 24, 2010, Respondent submitted to a random urine drug sample that returned positive for
7 oxazepam, which was not currently prescribed to Respondent, (2) on or about September 8, 2010,
8 Respondent failed to appear for a random urine drug screen, and (3) on or about September 13,
9 2010, Respondent and Respondent's employer notified CANDO staff Respondent admitted to
10 relapsing on alcohol on or about September 12, 2010.

11 d. Effective October 13, 2010, Respondent's Arizona Registered Nurse License No.
12 RN062562 was revoked; however, the revocation was stayed. During the stay of revocation,
13 Respondent's nursing license was placed on suspension for 12 months and on probation for 36
14 months, with terms and conditions. The basis of said discipline was pursuant to her conduct set
15 forth above in subparagraphs a-c.

16 **SECOND CAUSE FOR DISCIPLINE**

17 (Unlawfully Obtain / Possess Controlled Substance; Self - Administration)

18 14. Respondent is subject to disciplinary action under sections 2761, subdivision (a), and
19 2762, subdivision (a), in conjunction with Health and Safety Code section 11550, on the grounds
20 of unprofessional conduct, in that, on or about August 24, 2010, Respondent tested positive for
21 oxazepam, a controlled substance and dangerous drug. Complaint refers to and by this reference
22 incorporates the allegations set forth above in paragraph 13, subparagraph c, inclusive, as though
23 set forth fully.

24 **THIRD CAUSE FOR DISCIPLINE**

25 (Dangerous Use of Controlled Substance / Alcohol)

26 15. Respondent is subject to disciplinary action under sections 2761, subdivision (a), and
27 2762, subdivision (b), on the grounds of unprofessional conduct, in that, Respondent used alcohol
28 and / or a controlled substance and dangerous drug to an extent or in a manner dangerous or

1 injurious to herself or others. Complaint refers to and by this reference incorporates the
2 allegations set forth above in paragraphs 13 and 14, inclusive as though set forth fully.

3 FOURTH CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct)

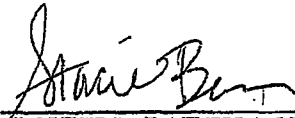
5 16. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and /
6 or (d), on the grounds of unprofessional conduct, in that, Respondent committed acts of
7 unprofessional conduct, and / or acts violating provisions of the Nursing Practice Act. Complaint
8 refers to and by this reference incorporates the allegations set forth above in paragraphs 13-15,
9 inclusive, as though set forth fully.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License No. 306407, issued to Kimberly
14 Susan Bowers;
15 2. Ordering Kimberly Susan Bowers to pay the Board the reasonable costs of the
16 investigation and enforcement of this case, pursuant to section 125.3; and
17 3. Taking such other and further action as deemed necessary and proper.

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21 DATED: 4/21/11

for 
LOUISE R. BAILEY, M.B.D., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A
Arizona State Board of Nursing
Consent Agreement and Order No. 1009014

Janice K. Brewer
Governor



Joey Ridenour
Executive Director

Arizona State Board of Nursing

4747 North 7th Street, Suite 200
Phoenix AZ 85014-3655
Phone (602) 771-7800 Fax (602) 771-7888
E-Mail: arizona@azbn.gov
Home Page: <http://www.azbn.gov>

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **KIMBERLY SUSAN BOWERS**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85014-3655 on October 14, 2010.

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF REGISTERED
NURSE LICENSE NO. RN062562
ISSUED TO:

KIMBERLY SUSAN BOWERS
RESPONDENT

CONSENT AGREEMENT
AND
ORDER NO. 1009014

CONSENT AGREEMENT AND ORDER

A complaint charging Kimberly Susan Bowers ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement and Order ("Order") as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued registered nurse license no. RN062562.
2. On or about June 22, 2010, Respondent self-reported abusing alcohol since in or around November 2006, escalating to consuming a fifth of vodka or other hard liquor a day. Respondent reported being placed on short term disability by her employer, Phoenix Children's Hospital in Phoenix, Arizona.
3. On or about June 22, 2010, Respondent signed the Board's Chemically Addicted Nurse Diversion Option ("CANDO") Stipulated Agreement which, in part, required her to (a) attend a chemical dependency treatment program and aftercare, (b) enroll in a drug screening program and submit to required monthly random drug screens, (c) attend two AA meetings a week and a weekly nurse support group, (d) abstain from the use of unauthorized drugs, alcohol

and narcotics, (e) notify CANDO of any prescriptions received, (f) refrain from working as a nurse until approved by the CANDO consultant, (g) notify the Board immediately upon relapsing on alcohol or any mind/mood altering drugs, and (h) upon return to nursing practice abide by standard nursing practice restrictions which included no access to or administration of narcotics for six months.

5. On or about July 26, 2010, CANDO staff was notified by Respondent's employer that Respondent had relapsed on alcohol and was admitted to Banner Thunderbird Behavioral Health Hospital for alcohol detoxification and treatment.

6. On or about July 29, 2010, Respondent notified CANDO staff she relapsed on alcohol and was receiving inpatient treatment.

7. On or about August 4, 2010, Respondent signed a First Addendum to Stipulated Agreement which, in part, required her to (a) undergo a relapse evaluation, (b) submit weekly random urine drug screens for three months, followed by two urine drug screens a month for 15 months, and a minimum of one per month thereafter, (c) attend one AA meeting per day for 90 days followed by three AA meetings a week, and (d) have no access to or administration of narcotics for six months.

8. On or about August 24, 2010, Respondent submitted a random urine drug sample that returned positive for benzodiazepines, specifically oxazepam metabolite. Respondent denied consuming any benzodiazepines and denied being prescribed benzodiazepines. Testing positive for a substance not prescribed for current use is a violation of Respondent's Stipulated Agreement.

9. On or about September 8, 2010, Respondent failed to appear for a random urine drug screen, a violation of her Stipulated Agreement.

10. On or about September 13, 2010, both Respondent and Respondent's employer notified CANDO staff Respondent admitted relapsing on alcohol on or about September 12, 2010.

11. On or about September 15, 2010, Respondent was discharged from CANDO for non-compliance with her CANDO Stipulated Agreement and First Addendum to Stipulated Agreement. Non-compliance included but was not limited to the failure to submit to a urine drug screen, testing positive for a drug that was not currently prescribed, and failure to abstain from alcohol.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663 (D) as defined in § 32-1601(d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public), (g) (willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter), (i) (failing to comply with a stipulated agreement, consent agreement or board order), and (j) (violating a rule that is adopted by the board pursuant to this chapter) (adopted effective October 14, 2009), specifically:

- A.A.C. R4-19-403(B)(1), (a pattern of failure to maintain minimum standards of acceptable and prevailing nursing practice (adopted effective February 2, 2009);
- A.A.C. R4-19-403(B)(17) (a pattern of using or being under the influence of alcohol, drugs, or a similar substance to the extent that judgment may be impaired and nursing practice detrimentally affected, or while on duty in any health care facility, school, institution, or other work location) (adopted effective February 2, 2009);
- A.A.C. R4-19-403(B) (31) (practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed;) (adopted effective February 2, 2009).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take disciplinary action against the license of Respondent to practice as a registered nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the following Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to this Order, except in the limited circumstance(s) specified in Paragraph 13, page 13 and Paragraph 10, page 18 of this Order.

Respondent understands the right to consult legal counsel prior to entering into the Order and such consultation has either been obtained or is waived.

Respondent understands that the term "Order" used throughout this document refers to all pages of the document including Findings of Fact, Conclusions of Law and all suspension/probationary terms and conditions and paragraphs of the Order.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the Agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee.

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The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

Kimberly Bowers
Respondent

Dated: 10-13-10

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.
Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: September 22, 2010

MddkH/RN062562Bowers

ORDER

In view of the above Findings of Fact, Conclusions of Law and consent of Respondent, the Board hereby issues the following Order:

A. Respondent's registered nurse license number RN062562 is hereby revoked; however, the revocation is stayed for as long as Respondent remains in compliance with this Order. During the stay of the revocation, Respondent's registered nurse license number RN062562 is placed on suspension for twelve months and probation for twelve months with terms and conditions, followed by probation for twenty-four months. Before termination of this Order, Respondent shall work as a registered nurse for a minimum of twelve months (not less than sixteen hours a week).

B. If Respondent is non-compliant with any of the terms of the Order during the 24-month stayed revocation period, the stay of the revocation shall be lifted and Respondent's

license shall be automatically revoked for a minimum period of 5 years. Except as provided in paragraph 13, page 13, and paragraph 10, page 18 of this Order, the Board or its designee, in its sole discretion, shall determine noncompliance with the stayed portion of the Order. With the exception of the provisions identified in paragraph 13, page 13, and paragraph 10, page 18, Respondent waives any and all rights to any further review, hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

C. If Respondent is noncompliant with any of the terms of the Order during the 24-month standard probation portion of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's nursing license.

D. At any time Respondent is required by terms of the Order to provide a copy of the Order to another individual or facility the Respondent must provide all pages of the Consent Agreement and Order.

E. If Respondent is convicted of a felony, Respondent's license shall be automatically revoked for a period of five years: Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

F. The suspension is subject to the following terms and conditions:

TERMS OF SUSPENSION (Stayed Revocation)

1. Surrender of License

Within seven days of the effective date of the consent agreement Respondent shall surrender the license to the Board and Respondent shall not practice nursing for twelve months.

2. Substance Abuse Evaluation

Within thirty days of the effective date of this Order, Respondent shall be evaluated by a Ph.D. level Board approved evaluator with substance abuse expertise. Prior to the evaluation, Respondent shall provide a copy of the Findings of Fact, Conclusions of Law and the

Order, and the evaluator shall verify receipt of the Order, in writing in a report on letterhead, to the Board. Respondent shall immediately execute the appropriate release of information forms, to allow the evaluator to communicate with the Board or its designee. The report from the evaluator should include a history of substance abuse, past treatment, present status of recovery and participation in recovery activities, and recommendations for on-going treatment. Respondent will complete all recommendations as recommended by the evaluator and the Board reserves the right to amend the Order based on the recommendations of the evaluator.

If recommended, Respondent shall enroll in any recommended treatment or therapy within thirty days of being notified by the Board of the recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board, in writing, verifying enrollment in the program. Prior to entry into any recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law, and Order to the program facilitator. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information with the Board or its designee. Respondent shall participate in treatment or therapy until the Board receives verification from the facilitator in writing that Respondent has successfully completed the treatment requirements. During participation in treatment Respondent shall cause the provider or program facilitator to submit to the Board, in writing on a Board-approved form, evidence of satisfactory attendance, participation, discharge and successful completion of the program. Such reports are due beginning on the first quarterly reporting date after entry into treatment or therapy program and quarterly thereafter, according to schedule, and until verification of successful completion of the program has been received by the Board.

3. Relapse Prevention Therapy

Within thirty days of the effective date of this Order Respondent shall enter a Board approved Relapse Prevention Therapy Program. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law to the facilitator. Within seven days of entering treatment, Respondent shall cause the facilitator to submit to the Board written verification of Respondent's enrollment in the Program, and verification of receipt of Respondent's entire Consent Agreement. Thereafter, Respondent shall cause the facilitator to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Respondent. Respondent shall continue undergoing treatment until the facilitator provides written notification to the Board, indicating that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

4. Completion of Suspension

After Respondent has successfully completed all terms of the twelve month Stayed Revocation Suspension as determined by the Board's designee, Respondent's license shall be placed on a twelve month Stayed Revocation Probation with terms and conditions.

TERMS OF SUSPENSION AND PROBATION
(Stayed Revocation and Standard)

1. Renewal of License

If Respondent's registered nursing is expired at the time of the effective date of the Consent Agreement and Order, Respondent must renew the license within seven days of the effective date. In the event the registered license is scheduled to expire during the duration of

this Order, Respondent shall apply for renewal of the registered license and pay the applicable fee before the expiration date. Failure to renew within seven days of the effective date of this Order, if it is expired, or failure to renew a license by the last date in which the license is to expire, shall be considered as noncompliance.

2. Nurse Recovery Group

Within seven days of the effective date of this Order, Respondent shall enroll in a Board-acceptable Nurse Recovery Group if a group is available within forty miles. Respondent shall sign release of information forms allowing the group facilitator to inform the Board, in writing and on letterhead, of Respondent's entry and progress in the group. Respondent shall attend a Nurse Recovery Group once per week and have no "Unexcused" absences or "No call/No show" occurrences.

3. Participation in AA/NA

(a) No later than seven days of the effective date of this Order, Respondent shall attend one AA meeting a day for ninety days. Thereafter and throughout the term of this Order, Respondent shall participate at least three times weekly, or as recommended by the Rehabilitation Program, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall submit to the Board, in writing on Board-approved forms, quarterly reports which are initialed by his sponsor. The first report is due by the end of the first month after the effective date of the Order, and quarterly thereafter according to the assigned reporting dates.

(b) Respondent shall obtain a temporary sponsor, if participating in a 12-step program, within thirty days of the effective date of this Order and a permanent sponsor within sixty to ninety days. Respondent shall maintain a sponsor relationship throughout the terms of this Order.

4. Drug Testing

Within seven days of the effective date of this Order, and throughout the term of this Order, Respondent shall remain enrolled in a program that meets Board criteria for random drug testing. Random urine drug testing shall be done at a minimum of twice per month, for a period of twenty-four months and a minimum of once per month thereafter, and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within seven days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. Otherwise failing to submit to a drug test on a day when a drug test has been requested by the Board, its designee, or the laboratory will constitute noncompliance with this Order, NOT subject to further review. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent's employer by the Board. However, any occurrence of the following constitutes noncompliance with this Order, subject to further review if contested in writing by Respondent: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised as indicated by the presence of adulterants; or submission of a urine sample that is below the acceptable volume or temperature to be tested. If contested by Respondent, Respondent shall, within five days of being notified of the non-compliance, submit a written request for further review and the reason(s) for contesting the results. If so contested, the noncompliance shall be investigated by Board staff and reviewed and substantiated by the Board's designee, to include a written verification attesting to the validity and

reliability of Respondent's drug screening results from the Toxicologist or Medical Review Officer affiliated with the drug screening laboratory. If so investigated, reviewed, substantiated and verified, the stay of revocation shall be lifted and Respondent's license automatically revoked, NOT subject to further review.

5. Abstain from Alcohol Use

Respondent shall completely abstain from the use of alcohol.

6. Abstain from Unauthorized Drug Use/Proof of Prescription

Respondent shall completely abstain from the use or possession of controlled substances, and dangerous drugs as defined by law, or any drugs requiring a prescription.

Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for an illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized. Within seven days of the effective date of this Order, Respondent shall cause all medical providers who have prescribed medications which are currently being used by the Respondent daily or on an as needed basis to provide in writing, on letterhead, verification of knowledge of Respondent's history of substance use, awareness of Respondent's Consent Agreement and Order with the Board, and documentation of current medications prescribed for Respondent. Respondent shall execute all release of information form(s) as required by the Board or its designee so that Respondent's medical providers shall be able to communicate information with the Board. Prior to receiving treatment from any other medical provider(s), Respondent shall notify the medical provider(s) of Respondent's history of substance use and of the existence of the Order. DURING THE COURSE OF THE ORDER RESPONDENT SHALL CAUSE ANY AND ALL PROVIDERS TO NOTIFY THE BOARD OF THEIR AWARENESS

OF RESPONDENT'S HISTORY OF SUBSTANCE USE, BOARD ORDER, AND
NOTIFICATION OF ANY MEDICATIONS ORDERED BY THE PROVIDER. THE
NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE
PROVIDER'S ISSUANCE OF THE PRESCRIPTION.

If Respondent has a lawful prescription for a controlled substance, Respondent shall cause her prescribing provider to provide monthly reports to the Board regarding the continued need for the prescribed narcotic or mood-altering medications within seven days of the 30th day of each month. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Such report from the provider shall be received by the Board within 14 days of the request. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee.

7. Release of Information Forms

Respondent shall sign all release of information forms as required by the Board or its designee and return them to the Board within ten days of the Board's written request. Failure to provide for the release of information, as required by this paragraph constitutes noncompliance with this Order.

8. Interview with the Board or its Designee

Respondent shall appear in person or if residing out of state, telephonically for interviews with the Board or its designee upon request and with at least two days notice.

9. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within seven days of any change in nursing employment, personal address or telephone number. Changes in nursing employment include the acceptance, resignation or termination of employment.

10. Obey All Laws

Respondent shall obey all laws/rules governing the practice of nursing in this state and obey all federal, state and local criminal laws. Respondent shall report to the Board, within ten days, any misdemeanor or felony arrest or conviction.

11. Costs

Respondent shall bear all costs of complying with this Order.

12. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

13. Violation of Terms of Consent Agreement and Order

During the stayed revocation portion of the Order (*first twenty-four months*) if Respondent is non-compliant with the terms of the Order, the stay of revocation shall be lifted and Respondent's license shall be automatically revoked.

If during the standard probation (*last twenty-four months*) portion of the Order, Respondent is noncompliant with the terms of the Order in any respect, Board staff may notify the Respondent's employer of the non-compliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this agreement after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

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14. Completion of Stayed Revocation Probation

When Respondent has successfully completed the terms of the twelve month Stayed Revocation Probation, Respondent's license shall be placed on a twenty-four month Standard Probation with terms and conditions:

TERMS OF PROBATION

1. Stamping of License

Following completion of the twelve month Stayed Revocation Suspension, Respondent's license shall be stamped "Probation" and returned to Respondent. While this Order is in effect, if the Board issues any certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "PROBATION." Respondent is not eligible for a multistate "Compact" license.

2. Relapse Prevention Evaluation

Eighteen months prior to the termination of the Order or as requested by the Board or its designee, Respondent shall be evaluated by a relapse prevention therapist, who is at minimum, Master's prepared. Respondent shall comply with any treatment recommendations as recommended by the relapse prevention evaluator.

If recommended by the evaluator, Respondent shall enroll in a relapse prevention program or other recommended therapy within thirty days of being notified by the Board or its designee of the recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board, in writing and on letterhead, verification of enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order to the program facilitator. Respondent shall sign release of information form(s) to allow the facilitator to communicate information with the Board or its designee. Respondent shall participate in the

relapse prevention program or therapy until the Board receives written verification from the facilitator that Respondent has successfully completed the program. During participation in the program, Respondent shall cause the program facilitator to provide to the Board, in writing on Board-approved forms, evidence of satisfactory attendance, participation, discharge, and successful completion of the program. Reports are due on the first quarterly reporting date after entry into the relapse prevention program and quarterly thereafter, according to schedule.

Violation of this paragraph is noncompliance with the Order.

3. Notification of Practice Settings

Any setting in which Respondent accepts employment, which requires RN licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within three calendar days of Respondent's date of hire, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the entire Consent Agreement and Order to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

4. Quarterly Reports

Within thirty days of the effective date of this Order, and quarterly thereafter, Respondent shall cause every employer Respondent has worked for to submit to the Board, in writing, quarterly employer evaluations on the Board-approved form. In the event Respondent is not employed in nursing or attending school during any quarter or portion thereof, Respondent

shall submit to the Board, in writing, a self-report describing other employment or activities on the Board-approved form.

Receipt of confirmation of employment disciplinary action, including written counseling(s), suspension, termination or resignation in lieu of termination from a place of employment, any of which pertains to improper patient care, unsafe practice, inappropriate medication removal or administration, sub-standard documentation, or impairment on duty, positive drug test showing evidence of any drug other than an authorized drug, and/or refusal to submit to an employer requested drug screen/testing, shall be investigated by Board staff and reviewed and substantiated by the Board's designee. If so investigated, reviewed and substantiated, the employment disciplinary action shall be considered as noncompliance with the terms of the Order, and the stay of revocation shall be lifted and Respondent's license automatically revoked. If Respondent contests the lifting of the stay as it relates to this paragraph, Respondent shall request in writing, within ten days of being notified of the automatic revocation of licensure, that the matter be placed on the Board agenda for the Board to review and determine if the automatic revocation of Respondent's license was supported by substantial evidence. If the written request is received within ten days of a regularly scheduled Board meeting, the request will NOT be heard at that meeting, but will be heard at the NEXT regularly scheduled Board meeting. Pending the Board's review, Respondent's license shall be reported as revoked – under review. Respondent may not work in any capacity involving nursing licensure pending the Board's review. The Board's decision and Order shall not be subject to further review.

Failure to provide employer evaluations or if not working in nursing, self-reports, within seven days of the reporting date is non-compliance with this Order and is not subject to further review.

5. Practice Under On-Site Supervision

Respondent shall practice as a registered nurse only under the on-site supervision of a registered nurse in good standing with the Board. On-site supervision is defined as having a registered nurse present in the building while Respondent is on duty. The supervising nurse shall have read this Consent Agreement and Order and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified registered nurses who shall also have read this Consent Agreement and Order. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledging the new supervisor's receipt of a copy of this Consent Agreement and Order and the new supervising nurse's ability to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

6. Access to Drugs

Respondent shall not administer or have access to controlled substances and/or any other potentially addictive medications, including but not limited to, Nubain and Stadol, at least during the first six months after returning to nursing practice during the probationary status and until receiving written approval from the Board or its designee. Upon evidence of full compliance with the probationary terms, the Board or its designee shall evaluate and provide written notification of Respondent's ability to administer controlled/prohibited medications.

7. Acceptable Hours of Work

Respondent shall work only the day or evening shift. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven day period, but Respondent may not work more than 3 consecutive 12-hour shifts during this probationary period. Respondent shall not work 2 consecutive 8 hour shifts within a 24 hour period or be scheduled to work 16 hours within a 24 hour period.

8. Registry Work Prohibited

Respondent may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status.

9. Out of State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, the Board must first approve out-of-state practice or residence.

10. Violation of Probation

If during the stayed revocation portion of the Order Respondent is non-compliant with the terms of the Order in any way, the stay of revocation shall be lifted and Respondent's license shall be automatically revoked. If during the standard probation portion of the Order Respondent is noncompliant with the terms of the Order in any respect, the Board staff may notify the Respondent's employer of the non-compliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Consent Agreement and Order after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

11. Completion of Probation

When Respondent has nine months left in the probationary period, Respondent's compliance will be reviewed by the Board's designee. If Respondent has demonstrated full

compliance with all terms of the Order, Respondent will be eligible to participate in a "stepdown" component of the Order where reports from AA and Nurse Recovery Group will no longer be required, and Respondent shall submit to "on-call" urine drug screens as requested by the Board or its designee.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: September 22, 2010

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JAN 15 11 11 AM '11
JR/PM:oz

COPY mailed this 24th day of August 2010, by First Class Mail, to:

Kimberly Susan Bowers
6320 West Paradise Lane
Glendale, Arizona 85306

By: *Olga Zuniga*

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